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VIOLATION OF LATINO CIVIL RIGHTS RESULTING FROM INS AND LOCAL POLICE'S USE OF RACE, CULTURE AND CLASS PROFILING: THE CASE OF THE CHANDLER ROUNDUP IN ARIZONA

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MARWAH SERAG¹

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On July 30, 1997, Q was running [a] little late picking up her daughters, age 7 and 10, from Fry School in Chandler, so the girls started walking home. When Q caught up with them, half a block from school, the girls were crying. Q asked why they were in tears and they told Q, "It is your fault," and asked, "What is a birth certificate?" The girls pointed down the street and said that the officers told us to keep our birth certificates with us or they will send us back to Mexico. Both girls kept saying, "Mom, we don't know Mexico." In order to verify who had stopped her daughters, Q put the girls in her vehicle and began to drive in the direction the girls said the officers had gone. Q saw three Chandler Police officers on bicycles not far from the school. No INS/Border Patrol agents were in sight. Now, when someone is at the door, the girls hide, bundle up with each other, and ask their mother not to open the door because "maybe it is

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the police.” Before this incident both girls were always eager to go with her on errands; now, they cry so she will let them stay at home. Both girls insist on having their birth certificates pinned to their clothes or around their necks and no longer want to walk home from school or play outdoors.²

This witness account is from the Arizona Attorney General’s investigation into the joint immigration operation between the Chandler Police Department and Tucson Border Patrol Sector in July, 1997.³ While public protest and media attention focused on civil rights violations and the role of local police departments in immigration law enforcement, the “Chandler Roundup” fits into the larger pattern of racial affronts Mexican Americans and legal residents are subjected to during raids.⁴ Access to detailed narratives of immigration stops and raids usually result from community protests,⁵ lawsuits,⁶ or extreme labor exploitation revealed as a result of INS intervention.⁷ Rarely do these narratives underscore the micro and macroaggressions⁸ endured by Mexican Americans and legal immigrant residents.

²Office of the Attorney General Grant Woods, State of Arizona, *Results of the Chandler Survey*, p. 19 (1997).

³See Hector Tobar, *Racism in the Republic*, <http://www.worldfreeinternet.net/news/nws157.htm> (last visited February 24, 2004).

⁴See generally Humberto Benitez, *Flawed Strategies: The INS Shift from Border Interdiction to Internal Enforcement Actions*, 7 *LA RAZA L.J.* 155 (1994); Stephen A. Rosenbaum, *Keeping an Eye on the I.N.S.: A Case for Civilian Review of Uncivil Conduct*, 7 *LA RAZA L.J.* 1 (1994); Jorge A. Vargas, *U.S. Border Patrol Abuses, Undocumented Mexican Workers, and International Human Rights*, 2 *SAN DIEGO INT’L L.J.* 1 (2001); Linda Reyna Yañez & Alfonso Soto, *Local Police Involvement in the Enforcement of Immigration Law*, 1 *HISP. L.J.* 9 (1994); American Friends Service Committee Inc., *A Report of the U.S./Mexico Border Program* (1999), available at <http://webarchive.afsc.org/border99htm> (last visited July 14, 2003).

⁵See Cassandra Stern, *Taped Beating Galvanizes Latino Community: Hispanic Residents of California Fight What They See as Growing Intolerance of Immigrants*, *WASH. POST*, June 11, 1996, at A3; Maureen Harrington, *Abuse of Mexican Immigrants Nothing New*, *Activist Says*, *DENV. POST*, Apr. 21, 1996, at 8.

⁶See Jim Newton, *Audiotape of Beating Sparks New Inquiry: Immigration Investigators Seek to Identify Officer Heard Using an Ethnic Slur. Both Sides Say the Recording Supports Clients’ Claims*, *L.A. TIMES*, Apr. 10, 1996, at A3.

⁷See Stephanie Armour, *Special Report: Some Foreign Household Workers Face Enslavement*, *U.S.A. TODAY*, Nov. 19, 2001, at 1A. See generally Anne-Marie O’Connor, *Gathering Fights Those Who Deal in Human Lives Border: Social Workers, Law Enforcement and Human Rights Activists Meet to Devise Strategies to Combat Criminals Who Prostitute Thousands of Women and Children*, *L.A. TIMES*, Aug. 25, 2002, at B10.

⁸Critical race theorists have applied the concepts of microaggressions and macroaggressions to characterize the everyday and persistent racial affronts African Americans encounter in the criminal justice system. See KATHRYN K. RUSSELL, *THE COLOR OF CRIME: RACIAL HOAXES, WHITE FEAR, BLACK PROTECTIONISM, POLICE HARASSMENT, AND OTHER MACROAGGRESSIONS* 138-41 (N.Y.U. Press 1997); DRAGAN MILOVANOVIC & KATHRYN K. RUSSELL, *PETIT APARTHEID IN THE U.S. CRIMINAL JUSTICE SYSTEM* 3-13

Legal scholars⁹ and social scientists¹⁰ have demonstrated that stops resulting in the arrest of undocumented immigrants in urban areas do not always include the identification of specific illegal behavior that fall under “reasonable suspicion” or “probable cause.” Instead, individuals’ “Mexicanness” is the basis for police stops. Thus, the racial profiling embedded in law enforcement practices circumscribes illegality and citizenship onto specific bodies.¹¹ Although attempts are made to justify that racial profiling was not the only factor used to determine stops, the list of additional factors used to establish “reasonable suspicion” or “probable cause” range from class distinctions,¹² racist characterizations,¹³ to the absurd.¹⁴

(Carolina Acad. Press 2001). Critical race theorists in education have also applied the concepts to the educational experiences of students of color. See generally Daniel Solorzano, et al., *Critical Race Theory, Racial Microaggressions and Campus Racial Climate: The Experiences of African American College Students*, 69 J. OF NEGRO EDUC. 60, 60-73 (2002); Daniel Solorzano, *Critical Race Theory, Racial and Gender Microaggressions, and the Experiences of Chicana and Chicano Scholars*, 11 INT’L J. OF QUALITATIVE STUD. IN EDUC. 121, 121-36 (1998).

⁹See generally Kevin R. Johnson, *Aliens and the U.S. Immigration Laws: The Social and Legal Construction of Nonpersons*, 28 U. MIAMI INTER-AM. L. REV. 263 (1996); Kevin Johnson, *The Case Against Race Profiling in Immigration Enforcement*, 78 WASH. U.L.Q. 675 (2000); Kevin Johnson, *Race, The Immigration laws, and Domestic Race Relations: A “Magic Mirror” Into the Heart of Darkness*, 73 IND. L.J. 1111, 1136-41 (1998); Yxta Maya Murray, *The Latino-American Crisis of Citizenship*, 31 U.C. DAVIS L. REV. 503, 531-45 (1998); Sylvia R. Lazos Vargas, *“Latina/o-izatin” of the Midwest: Cambio de Colores (Change of Colors) as Agromaquilas Expand into the Heartland*, 13 LA RAZA L.J. 343, 364-65 (2002) (discussing local police assistance in implementing federal immigration laws in the Midwest resulting in violations of Latina/o civil rights); Ellen Weis Aragon, Note: *The Factory Raid: An Unconstitutional Act?*, 56 S. CA. L. REV. 605 (1998).

¹⁰See Alejandro Lugo, *Theorizing Border Inspections*, 12 CULTURAL DYNAMICS 359-69 (Nov. 2000) (analyzing the intersection of color and class in border inspections along the U.S.-Mexico line). See generally Renato Rosaldo, *Cultural Citizenship, Inequality, and Multiculturalism*, in LATINO CULTURAL CITIZENSHIP 27 (William V. Flores & Rina Benmayor eds., 1997); David Lyon, *Under My Skin: From Identification Papers to Body Surveillance*, in DOCUMENTING INDIVIDUAL IDENTITY 294 (Jane Caplan & John Tropey eds., 2001) (discussing that identity, identification and modernity includes individuals as “embodied social agents”); Gary T. Marx, *Identity and Anonymity: Some Conceptual Distinctions and Issues for Research*, in DOCUMENTING INDIVIDUAL IDENTITY 314 (Jane Caplan & John Tropey eds., 2001) (discussing that among the seven types of identity knowledge listed is the reference to distinctive appearance or behavior patterns of persons, identification by social categorization).

¹¹See generally Johnson, *supra* note 9; Mary Romero, *State Violence, and the Social and Legal Construction of Latino Criminality: From El Bandido to Gang Member*, 78 DENV. U.L. REV. 1081 (2001).

¹²Poor and working class are more likely to be stopped than upper-class Mexican Americans. Class identifiers include: clothing, the year and make of car driven, and customers in stores, restaurants and bars in specific neighborhoods.

¹³The notion of the “dirty Mexican” still is used by Border Patrol agents who identify clothing that appears to have been slept in the night before or unshaven faces (obviously they have not observed many college classes at 8:00 a.m.). See Ruben Navarrette Jr. & Julie Amparano, *INS Vows Shake-Up Over Chandler Raid, New Border Patrol Chief Changing Policy*, ARIZ. REPUBLIC, Nov. 25, 1997, at A1 (quoting INS appendix found in the Attorney

Micro and macroaggressions resulting from immigration law enforcement are harmful to Mexican Americans and Latinos in general, because “they belittle, demean, ridicule or subordinate on the one hand, and on the other, they limit access to equal opportunities and fair dealings before the law.”¹⁵ The effect of microaggressions “Q” described, which her children suffered in the immigration operation in Chandler, are rarely weighed into the cost of carrying out particular immigration policies.¹⁶ Microaggressions that Mexican Americans encounter in immigration raids include “subtle, stunning, often automatic, and non-verbal exchanges which are ‘put downs’”¹⁷ made by police, INS/Border Patrol, public officials and alarmist public discourse of a Mexican invasion or breakdown of the U.S.-Mexico border.¹⁸ Unlike microaggressions that are endured by individual Mexican Americans or legal residents, macroaggressions are directed towards “Mexicanness” in general.¹⁹ Macroaggressions reinforce negative stereotypes of Mexican Americans as “alien,” “foreigners,” “illegal,” “criminal,” and maintain our national racial consciousness.²⁰ The consequences of racial profiling in immigration

General’s report: “The subject was dressed in clothing consistent with that of illegal entrant aliens and the lack of personal hygiene displayed by (the subject), and a strong body odor common to illegal aliens”); Alberto L. Esparza, *We, the People All Suffer Because of the Chandler INS Roundup*, *Public Pulse, Commentary*, ARIZ. REPUBLIC, Jan. 18, 1998, at EV5 (quoting policing communicating with dispatch during raid as referring to Latinos as “smelling like an immigrant”).

¹⁴See Josh Getlin, *The Nation*; *Racial Profiling Persists in N.J.*, L.A. TIMES, May 24, 2001, at A, part 1, page 16 (identifying Drug Enforcement Administration’s drafted guidelines include bumper stickers like “God is my co-pilot,” and “Say No to Drugs.” Others include body language; owner of vehicle not present; “mismatched occupants” (such as a Latino male and a white female); fast-food wrappers in the vehicle; hand tools within vehicle; drivers who respond with qualifiers such as “Not that I know of. . .”; windows not opening fully; the presence of cell phones and pagers; receipts; or maps). See also KATHERYN K. RUSSELL, *THE COLOR OF CRIME, RACIAL HOAXES, WHITE FEAR, BLACK PROTECTIONISM, POLICE HARASSMENT, AND OTHER MACROAGGRESSIONS* 33 (N.Y.U. Press 1998).

¹⁵STUART HENRY & DRAGAN MILOVANOVIC, *CONSTITUTIVE CRIMINOLOGY* 103 (1996).

¹⁶Robert Short & Lisa Magana, *Political Rhetoric, Immigration Attitudes, and Contemporary Prejudice: A Mexican American Dilemma*, 142 J. OF SOC. PSYCHOL. 701 (2002) (finding that political candidates social stereotypes of Mexican immigrants in mainstream media accounts are reflected in citizens’ attitudes and have political consequences).

¹⁷Peggy Davis, *Law as Microaggressions*, 98 Yale L.J. 1559, 1565 (1989) (quoting Chester M. Pierce et al., *Psychiatric Problems of the Black Minority*, in the *American Handbook of Psychiatry* 512, 515 (C. Pierce ed., 1978)).

¹⁸See generally LEO CHAVEZ, *COVERING IMMIGRATION: POPULAR IMAGES AND THE POLITICS OF THE NATION* (U.C. Press 2002); Yueh-Ting Lee, et al., *Attitudes Toward “illegal” Immigration into the United States*, 23 HISP. J. OF BEHAVIORAL SCI. 430 (2001).

¹⁹See Russell, *supra* note 14, at 139.

²⁰See, e.g., Julie Amparano, *Let’s Rid Our State of Hatred*, ARIZ. REPUBLIC, Aug. 2, 1999, at SD5 (quoting Joshua Ramirez, a fourth generation U.S. citizen of Mexican descent, who experiences a public that assumes he is undocumented. “I get the wetback comments . . . I’m asked to produce proof of citizenship when I apply for a job – and I don’t even speak Spanish.” Ramirez remembers the night he was kicked and punched by a gang of boys who

stops establish, maintain and reinforce second-class citizenship and limits civil, political, economic and cultural rights and opportunities for Mexican Americans.²¹

The following study analyzes data from the five-day joint operation conducted by the Tucson Border Patrol Sector and the Chandler Police Department in Arizona in 1997, locally referred to as the “Chandler Roundup.”²² Identifying, analyzing, and interpreting micro and macroaggressions arising from immigration raids and stops conducted in urban settings interrogates the prerogatives and encumbrances of citizenship for Mexican Americans and Latino legal residents.²³ The Chandler Roundup addresses relevant questions posed by this symposium on “city & the citizens”: How are urban identities constructed and enacted in public spaces and how do they relate to the construction of citizenship for Mexican Americans who in their daily activities of driving, walking, shopping, and working bring them into close proximity to spouses, relatives, and neighbors legally constructed as “alien”? How and when does illegality become racially and linguistically circumscribed?²⁴ How is the city and citizenship participation economically, socially and legally constructed around the residential, recreational, or work places inhabited by Mexican Americans and Mexican immigrants? Are urban spaces mutually exclusive from areas and activities where policing citizenship does not occur?²⁵ What urban spaces and activities appear invisible in immigration raids, such as kitchen areas of upscale restaurants in Scottsdale, changing linen and cleaning hotel rooms in Phoenix resorts, pruning palm trees and landscaping in suburbs throughout the Valley of the Sun, and cleaning houses and child care in gated communities? We argue that the hypocrisy of U.S. border policy, which manages to import immigrant workers to meet employers’ demands while increasing the INS and Border Patrol budgets,²⁶ does not

swore at him and told him they don’t like “illegal aliens . . . I was leaving a restaurant . . . It was closing time I was walking to my car at the far end of the parking lot. They jumped me. I never called police. I just thought it would be too much of a hassle.”).

²¹See HILDE LINDEMANN NELSON, *DAMAGED IDENTITIES, NARRATIVE REPAIR* (Cornell U. Press 2001) (discussing how the perceptions of the dominant group construct marginalized groups’ personal identities and shapes their field of action).

²²See Julie Amparano, *Lawmakers Question Roundup, Worry Citizens’ Rights Violated*, ARIZ. REPUBLIC, Sept. 19, 1997, at B1.

²³See generally DON MITCHELL, *THE RIGHT TO THE CITY: SOCIAL JUSTICE AND THE FIGHT FOR PUBLIC SPACE* (Guilford Press 2003).

²⁴See, e.g., Adalberto Aguirre Jr., *Linguistic Diversity in the Workforce: Understanding Social Relations in the Workplace*, SOC. FOCUS 65 (2003) (analyzing language rights and identity in *Garcia v. Spun Steak*).

²⁵See TERESA P.R. CALDIERA, *CITY OF WALLS: CRIME, SEGREGATION, AND CITIZENSHIP IN SÃO PAULO* (2000) (analyzing the changing patterns of social and urban spatial segregation between classes and yet providing for movement of workers and servants, as well as control over the poor); David Harvey, *Social Justice, Postmodernism and the City*, 16 INT’L J. OF URBAN AND REGIONAL RES. 58 (1992) (describing a range of arguments made for addressing the contested use of space in urban areas).

²⁶DOUGLAS S. MASSEY, ET AL., *BEYOND SMOKE AND MIRRORS: U.S. IMMIGRATION POLICY IN THE AGE OF GLOBALIZATION* (2002) (analyzing the increased post-IRCA INS budget

only function as a political strategy aimed to address anti-immigration discourse,²⁷ but also creates an illusion of controlled borders.²⁸ Immigration stops and sweeps do more than create an “illusion” of controlled borders or gain “political capital” with conservatives. In urban barrios, the costly enterprise of selected stops and searches, race-related police abuse and harassment function to deter political participation’ racially identify urban space’ maintain racial and class immigrant classifications of deserving and undeserving’ and continue to drive a wedge dividing Latino neighbors, friends and family members on the basis of citizenship status.²⁹

The case of the Chandler Roundup provides a unique window into law enforcement practices including the planning, staging and procedures employed in removing undocumented immigrants from a specific urban space.³⁰ We begin with an overview of the Chandler Roundup and community protests resulting from the five-day immigration raid. This section provides a general outline of the five day raid, including incidents leading up the joint operation, official investigations conducted and lawsuits filed.³¹ The basis of the lawsuits filed was that “individuals were stopped and interrogated by the Chandler Police Department based exclusively on the fact that their physical characteristics suggested that they were of Mexican ancestry.”³² The next section analyzes data collected by the Independent Investigation into the Chandler Police Department’s participation.³³ Because there is no documentation of all the stops that occurred during the joint operation, these data are the most complete source available. Coding data for patterns of who, where and when individuals were stopped identifies strategies applied by law enforcement in their policing practice of determining “reasonable suspicion” of illegal entry into the U.S., and thus, suggests blueprints for constructing citizenship status among individuals residing in urban areas. Data analysis investigates the specific activities individuals were engaged in at the time of the stop in order to evaluate actual police practices in determining “reasonable suspicion.” The third section presents our findings of personal and community violations reported in witness accounts taken by the Attorney General’s office. Witness accounts are also analyzed for statements

between 1986-96 and report of no significant drop in the number of undocumented immigrants or an increase in the probability of apprehension).

²⁷See generally CHAVEZ, *supra* note 18.

²⁸See, e.g., PETER ANDREAS, *BORDER GAMES, POLICING THE U.S.-MEXICO DIVIDE* (2000); Joseph Nevins, *Operation Gatekeeper, The Rise of the “Illegal alien” and the Making of the U.S.-Mexico Boundary* (2002); MASSEY, ET AL., *supra* note 26.

²⁹See Kevin R. Johnson, *Immigration and Latino Identity*, 19 CHICANO-LATINO L. REV. 197, 199-206 (1998) (discussing the inevitability of intra-Latino conflict resulting from differing citizenship status and rights).

³⁰See Benitez, *supra* note 4, at 172-74 (describing the common use of area control raids by the INS, including residential areas and street corners).

³¹See Michael A. Fletcher, *Police in Arizona Accused of Civil Rights Violation; Lawsuit Cites Sweep Aimed at Illegal Immigrants*, WASH. POST, August 20, 1997, at A14.

³²Plaintiff’s Complaint at ¶ 25, *Castro v. City of Chandler* (D. Ariz. 1997) (No. 97-1736).

³³See Benitez, *supra* note 4, at 173 (discussing the lawful use of local police agencies in assisting Border Patrol officials in conducting raids).

indicating changes and modifications that citizens and legal residents made in response to racial affronts encountered during the five-day raid. These patterns suggest how meaning and practices of citizenship and urban space were altered. We conclude with a discussion on the limits of Mexican American and legal residents' citizenship participation resulting from micro and macroaggressions endured from ongoing immigration law enforcement.

I. OVERVIEW OF THE CHANDLER ROUNDUP

Like other metropolitan areas throughout the U.S., Phoenix's (and the surrounding cities of Tempe, Scottsdale, Chandler, Mesa, and Paradise Valley) tourist and construction industries are dependent upon the low-wage labor of undocumented Mexican workers. Demographic changes are similar to the national trend – the Latino population in the Phoenix area is estimated to be growing three times the rate of Anglos.³⁴ In addition, the number of Latino businesses increased 81% between 1987 and 1992.³⁵ Among cities with a population over 100,000, Chandler was the second fastest growing city in the country in July 1995. Located about 120 miles from the Mexican border, 19.3% of the 132,360 residents in Chandler were Latinos.³⁶

Two opposing arguments for circumstances leading to the joint operation were: (1) Chandler was a major hub of illegal immigration entry to other parts of the country and these immigrants contributed to the increase of crime;³⁷ and (2) developers wanted to rebuild the downtown area which was populated by low-income Mexican Americans and Latino immigrants, and thus used the joint operation to begin the removal process and encourage residents and businesses to relocate.³⁸ The Chandler Police Department defined the joint operation with the Tucson Border Patrol Sector as their part in implementing Operation Restoration. In 1995, the City of Chandler began Operation Restoration targeted at older neighborhoods which also had the highest percentage of Mexican Americans, immigrants, and was primarily low income.³⁹ A neighborhood task force was formed and appointed with the duty of

³⁴William H. Carlile, *All Anglo No More, A Latin Phoenix Rises*, CHRISTIAN SCI. MONITOR, Aug. 6, 1997, at 1.

³⁵*Id.*

³⁶Woods, *supra* note 2, at 1.

³⁷Thomas Breen et al., *Report of Independent Investigation Into July 1997 Joint Operation Between Patrol and Chandler Police Department* (1998) [Hereinafter "*Report of Independent Investigation*"]. The section entitled "Narrative" begins with Chandler history dating back to Alexander Chandler in 1887 and documents the role of Mexican immigrant labor in the agriculture and more recently becoming a "hub for alien smuggling in the United States of America." *Id.*

³⁸Woods, *supra* note 2, at 5. See also Julie Amparano, *Ugly Side to Chandler's Redevelopment Dream, City Accused of Trying to Force Out Poor Hispanics*, ARIZ. REPUBLIC, Sept. 12, 1997, at A1. See generally CALDIERA, *supra* note 25 (discussing the move towards global cities to transform public spaces resulting in spatial segregation, fortified enclaves for the upper classes and high-income gentrification increasing low-wage jobs which connect yuppies and poor migrant workers).

³⁹CALDIERA, *supra* note 25, at 31.

conducting a needs assessment based on community input and making recommendations to the City Council. Based on data collected from neighborhood meetings and community surveys, the task force “identified the lack of property maintenance as the most pressing problem.”⁴⁰ The Task Force Report did not mention illegal immigrants as a problem, and none of the recommendations included immigration concerns.⁴¹ However, the Chandler Police Department and City officials’ claim that an immigration problem led to the joint operation was not supported in the Attorney General’s report.⁴²

The raid may have gone unnoticed if Mexican-American activists had not called news media reporters, marched in protest, and held community meetings with public officials resulting in the mayor of Chandler requesting that the Attorney General’s office investigate charges of civil rights violations.⁴³ The Chandler Roundup was actually the fourth raid within a three month period that the police department had arranged.⁴⁴ Public outrage focused on the selective discriminatory law enforcement summarized in the following quote, “They were looking for dark-skinned workers speaking Spanish.”⁴⁵ Media coverage uncovered numerous incidents of Mexican Americans and legal residents who were harassed and intimidated during the joint operation. For instance, Venecia Zavala was approached by an officer and asked for proof of citizenship while she was walking to her car after shopping at a Chandler supermarket.⁴⁶ Celso Vazquez, a Mexican national and a legal U.S. resident, was driving in the same area when a Chandler officer pulled him over and asked for his papers. The encounter concluded when he showed his title and registration.⁴⁷ Juan Gonzales was asked to show proof of citizenship while he was pumping gas into his car alongside an Anglo couple who were not questioned by police. “A lot of my white friends have been in this country as long as I have. So how come I’m treated differently? . . . How come I have to prove I’m a U.S. citizen? That’s just not right.”⁴⁸

⁴⁰*Id.* at 6.

⁴¹*Id.*

⁴²Navarette Jr. & Amparano, *supra* note 13.

⁴³See Woods, *supra* note 2, at 2; Robbie Sherwood, *Sweep of Illegals Protested, Chandler Council Facesirate Crowd*, ARIZ. REPUBLIC, Aug. 15, 1997, at B1.

⁴⁴Fletcher, *supra* note 31, at A14.

⁴⁵Louis Sahagun, *Civil Rights, Immigration Sweep Stirs Cloud of Controversy Residents Sue Arizona Town, Saying Crackdown on Illegal Workers Led to Harassment of U.S. Citizens*, L.A. TIMES, Sept. 1, 1997, at A5. See generally Richard Ruelas, *300 Protest Roundup of Hispanics, Chandler Stopped Citizens Due to ‘Color of their Skin,’* ARIZ. REPUBLIC, Sept. 14, 1997, at B1.

⁴⁶Hector Tobar, *Illegal Immigrant Raid Consumes Arizona City Chandler Still Dealing with ‘97 “Roundup” in Which Legal Citizens Were Targeted*, MILWAUKEE JOURNAL SENTINEL, Jan. 10, 1999, at p. 6.

⁴⁷*Id.*

⁴⁸Julie Amparano, *Brown Skin: No Civil Rights? July Sweep of Chandler Draws Fire*, ARIZ. REPUBLIC, Aug. 27, 1997, at A1.

By the end of the year, the Office of Attorney General Wood issued a report entitled, *Results of the Chandler Survey*. The report is based on data collected from complaints received from residents, Chandler City Council Meetings with community members, newspaper articles, memorandum between city officials, and radio dispatch audio tapes and fieldnotes from the Chandler Police Department. The following year, the City of Chandler issued an independent investigation report entitled, *Report of Independent Investigation into July 1997 Joint Operation Between Border Patrol and Chandler Police Department*. The report consists of three volumes. Volume I is comprised of an overview of investigators' perceptions of events leading up to the joint operation, summaries of interviews conducted with public officials, police officers and border patrol agents who were involved in the roundup, and a summary of their findings. Volume II contains the summaries of interviews conducted with complainants and witnesses. Interviews with complainants included all individuals mentioned in the Attorney General's *Results of the Chandler Survey*. All interviews were conducted a year after the incident. Complainants and witnesses were shown photographs of Chandler Police officers and asked to identify officer(s) involved in each incident described. Investigators then interviewed the officer identified. Corroborating evidence was based primarily from officers' accounts, their fieldnotes, and records of daily rosters. Volume III contains copies of all the police reports that were made for stops.⁴⁹

II. URBAN POLICING PRACTICES AND CONSTRUCTING CITIZENSHIP

Identifying illegal status of individuals began at the planning stage when the decision was made to focus "on large areas in the downtown redevelopment zones, ranging from an eight-block to a four square mile area, without specific articulated criminal activity."⁵⁰ The Attorney General's office review of radio dispatch tapes appears to support the community's claim that "Mexican appearance" was the primary and many times the sole purpose for stops. On day three of the raid, July 29, 1997, "a total of forty-three (43) vehicles were specifically singled out in a two hour period of time from 4:00-6:00 a.m. The officers identified seven (7) vehicles because of known violations of the law warranting a stop. However, of the remaining thirty-six (36) vehicles called in, seven (7) calls describing vehicles were made despite the officers stating that there was no probable cause to believe that violations had occurred. The other twenty-nine (29) vehicles were singled out without articulation of what, if any, violation of law may have been observed by the reporting officer."⁵¹ Further evidence that "Mexican appearance" served to determine the population policed and determine the target of the joint operation is the computer printed *Record of Deportable Alien* form that was used by the INS.

⁴⁹There is no documentation of all the stops made during the five-day immigration raid. Volume III of the Report of Independent Investigation includes police reports but not all stops resulted in a specific report. Although the data from the complaints do not include a complete profile of all the stops that were made during the five day operation, the report provides data from the perspective of persons stopped or who observed incidents.

⁵⁰Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, *supra* note 2, at 7.

⁵¹*Id.* at 10.

“Mexico and/or Mexican” was already typed in the boxes requiring information on “Number, Street, City, Province (State), and Country of Permanent Residence,” “City, Province (State), and Country of Origin,” “Name, Address, and Nationality of Spouse,” “Number and nationality of Minor Children,” “Father’s Name, Nationality, and Address, if Known,” and “Mother’s Present and Maiden Names, nationality, and Address, If Known.”⁵²

The joint operation between the Chandler Police and the Border Patrol from July 27-31 resulted in the arrest of 432 suspected undocumented Mexicans in 1997.⁵³ There is no complete documentation of all the stops made because not all of the stops resulted in a police report or a *Record of Deportable Alien*. Analyzing available data in the *Report of Independent Investigation* and the *Results of the Chandler Survey* does provide a description of the range of stops and encounters that occurred during the five-day raid.

The *Report of Independent Investigation* provides data on the complaints made by 71 Latinos between the ages of 16 to 75. The report lists each incident separately, and since 14 persons were stopped more than once, there were a total of 91 incidents. Independent investigators did not include information on the citizenship status of the 29 complainants (involving 41 stops). However, the others are identified as follows: eleven were U.S. citizens of Mexican ancestry, fifteen were Latino legal residents, one was a permanent resident, three had work permits, one had a green card, and eleven were undocumented. Given the emphasis upon identifying undocumented immigrants among complainants (and the probability that they were deported or less likely to file a complaint), we assume that the 41 stops involving persons whose status was not identified had legal status.⁵⁴ Therefore, we believe that it is prudent to consider 80 incidents reported by U.S. citizens, legal residents, or immigrants with work permits. Among the 71 complainants, 49 were males and 22 were females. The majority of males ranged from 18 to 39 years old and the majority of females were between the ages of 30 and 49.

For each incident identified, the type of activity the individual was engaged in at the time of the stop was specified. Of the legal residents who were stopped, 23 were walking,⁵⁵ 25 were driving, ten were shopping, two were at work, two were riding a bike, two were using public telephones, and 16 cases involved police officers entering the complainant’s home and requesting proof of citizenship status. Of the 14 complainants who were citizens, eight were asked for “papers,” three were asked for green cards, one for a driver’s license, one for some sort of identification and one

⁵²*Id.* at 18.

⁵³See Amparano, *supra* note 22.

⁵⁴See Vargas, *supra* note 4, at 86-87 (noting that although Mexican undocumented persons are eligible to file formal complaints of abusive behavior, there are several reasons for few complaints, including migrants’ lack of knowledge of their rights, and a complaint system that is flawed by a self regulation that exonerates officers).

⁵⁵Walking is significant when we consider how this activity is class-based. Middle and upper-classes do not walk in Arizona unless they are engaged in exercise and are usually dressed accordingly and may have a leased dog attached to their bodies. Pedestrians in urban areas are usually a sign of poverty. See CALDEIRA, *supra* note 25, at 310-13.

complainant report does not include information regarding the type of document asked.

In general, Jose Antonio Franco's letter to the editor described the five-day immigration raid accurately: ". . . INS, in collaboration with the Chandler Police Department has been accosting people shopping at Southwest Supermarket, driving down Chandler Boulevard or sitting at home and demanding they produce documents or face deportation."⁵⁶ Persons were stopped and ask to prove citizenship solely on the basis of looking Mexican.⁵⁷

Interaction between Chandler Police officers and Latinos who were stopped varied in the types of questions asked and the range of documents requested. Not all incidents involved officers requesting identification. However, in the 86 incidents which the officer requested to see documentation, "papers" were requested in 51 incidents. In two incidents, officers specifically requested immigration papers; drivers licenses were requested in 13 incidents. In nine incidents, officers simply requested to see "identification"; green cards were requested in ten incidents; and in one incident, an officer requested to see the person's "card." The *Report of Independent Investigation* only reported 33 outcomes for the 91 incidents. Of the 33, 23 were detained anywhere from 5 minutes to four hours. Of those detained, three were illegal and 20 were legal; four were handcuffed while detained. Traffic tickets involving minor infractions (e.g., a rolling stop at a stop sign, a broken windshield, a missing headlamp, or a turn into the wrong lane) were issued to three legal residents.

Interview data collected from complainants indicates that immigration policing is shaped by assumptions of citizenship status as visibly inscribed on the bodies in specific urban spaces rather than behavior or circumstances suggesting "probable cause."⁵⁸

III. MICRO AND MACROAGGRESSIONS AND IMMIGRATION LAW ENFORCEMENT

Witness accounts documented in the Attorney General's investigation into allegations of civil rights violations delineate a pattern of law enforcement practices that belittle, demean and subordinate Mexican Americans and legal immigrant residents of Latino ancestry.⁵⁹ The significance of coding and analyzing micro and macroaggressions confronted by Mexican Americans during the joint operation illustrate claims for identification racial profiling. Police Chief Harris claimed that policing tactics during the five-day raid were no different than everyday experiences of all U.S. citizens crossing the border. He supported his argument by remarking that, "Every time you go to San Diego, they stop you and ask you if you're a U.S.

⁵⁶Jose Antonio Franco, *Abusive INS Attacks*, Letters to the Editor, ARIZ. REPUBLIC, Aug. 6, 1997, at EV8.

⁵⁷Amparano, *supra* note 48.

⁵⁸*Id.* (quoting a blond, blue-eyed illegal Irish immigrant employed at a law firm who has never been asked about her immigration status stated, "I don't have to worry. I blend in very well.").

⁵⁹*See* Vargas, *supra* note 4, at 37 (noting that INS officials, U.S. Customs officers, DEA agents, Highway Patrol Officers, sheriffs, and police officers have committed a long list of abuses against Mexican nationals, both legal immigrants and undocumented ones).

citizen. Is it a violation to ask a person if they're a U.S. citizen? I don't think so."⁶⁰ Comparing INS Border Patrol stops at U.S. borders to racially selected police stops in an urban area 120 miles away from the U.S.-Mexico border diminishes the harm inflicted from micro and macroaggressions endured during the Chandler Roundup.

Only by identifying and recognizing these micro and macroaggressions can we understand that our taxes pay for more than just an "illusion" of controlled borders and "political capital" for conservatives. Our immigration law enforcement also functions to racially identify urban areas, reinforce racial and cultural stereotypes of U.S. citizenship (particularly racially and cultural "Mexicanness" as illegal in itself), and maintain racial and class divisions between whites and Mexican Americans. These divisions serve to subdivide families and neighbors of Latino ancestry on the basis of rights, opportunities, and citizenship privilege. Embedded in witnesses' accounts of their encounters with Chandler Police and Border Patrol officers are expressions of pain, humiliation, fear, violation, embarrassment, and mortification. Collectively these accounts tell a significant community narrative about the meaning and practices of U.S. citizenship for low-income Mexican Americans and Latino legal residents in urban spaces identified as the "Mexican section of town." Racial profiling, excessive force and intimidation were the major macroaggressions during the five-day raid. In addition, the raid highlights the general problems of immigration law enforcement in urban areas. Two accounts were selected to illustrate the function and consequences of racial profiling and intimidation.

All witness accounts explicitly stated or implied the use of racial profiling. The following account, given by a Mexican immigrant identified as "U,"⁶¹ who had a permit to work, demonstrates the absence of "probable cause" in police stops. In addition, the incident represents the degree to which immigrants were treated as criminals, the fear and intimidation imposed through officers' actions, and the futile attempts to assert individuals' rights during the joint operation.

During the last week in July 1997, he and his cousin stopped at a Circle K on Arizona Avenue and Pecos in Chandler for a soda. While they were parking their car, they were approached by a Chandler police officer on a bicycle who asked, in Spanish, for their papers. The cousin said that the police had no right to ask for papers and the Chandler police officer asked if they wanted him to call Immigration. They said yes and INS/Border Patrol agents soon appeared. The cousin showed the agents his papers but U did not have his on him and when he showed them his social security card, there was a discrepancy in the computer and they were told the number had been canceled. The INS/Border Patrol agent said, "I'm tired of this, everybody lies and says they have papers when they don't." The officers put U in handcuffs, searched him and took him to the Chandler Police Station where he was detained. He asked them to give him a chance to call his home and have his wife bring his papers but they refused. He was held until about 11:30 p.m. (from 7 p.m.) until his cousin

⁶⁰Jim Walsh, *Attorney General's Office Probes Roundup of Illegals*, THE ARIZ. REPUBLIC, August 9, 1997 at B1.

⁶¹Witness accounts documented in the Attorney General's report are identified only by individuals' initial in order to maintain confidentiality.

and his wife brought his papers to the police station. U was afraid that the Chandler police were going to take his green card away, or that he was going to be separated from his family.⁶²

Although “U’s” cousin attempted to question the rights of police stops without probable cause to request proof of citizenship, the assertion of his rights resulted in negative consequences for “U.”⁶³ The officer did not allude to any possible criminal activity or traffic violation to suggest “probable cause.” Nor does “U” appear to have resisted arrest. Police attention on the parked car with two Mexican males in the Circle K reinforced the stereotyped of Hispanic criminality to other shoppers. The use of handcuffs further identified the image of the Mexican male as dangerous. The actions of the police and INS are significant reminders that legal status in the U.S. does not necessary safeguard freedom of movement for persons who appear to be working-class Mexicans. Poor and working-class Mexican Americans and Mexican immigrants already know that they cannot move freely without being identified as suspicious in upper and upper-middle class neighborhoods throughout the Phoenix area unless they are in uniforms as gardeners, construction laborers, kitchen workers, maids, and other low-wage jobs. However, the Chandler Roundup also sent the clear message to the Mexican community that they no longer belonged here either.

In supporting their claims that Chandler had an immigration problem that was endangering the public, the police spokesman denied that the 432 suspected undocumented arrests made did not include house-to-house searches. However, “B’s” witness account describes police raiding his home among many in the trailer park that was included in the joint operation. Raiding the trailer park also relied on racial profiling and the excessive force was equivalent to police tactics popularized in the drug raids conducted as part of the War on Drugs in low-income Latino and Black neighborhoods.⁶⁴

On July 28, 1997, at approximately 11 p.m., B and his family were sound asleep in their trailer owned by his brother-in-law in a trailer park on Erie Street. The family was awakened by a loud banging on the front door and bright lights shining through the windows. When B looked around, he saw two Chandler police officers, with an INS/Border Patrol agent behind them. All officers were bicycle officers. The officers demanded to be allowed into the trailer and when B asked if they had the right to come in, he was told, “We can do whatever we want, we are the Chandler Police Department. You have people who are here illegally.” Although B denied that there were any undocumented aliens there, the officers insisted

⁶²Office of the Attorney General Grant Wood, *Results of Chandler Survey*, *supra* note 2, at 22-23.

⁶³Lugo *supra*, note 9, at 364-65 (analyzing an immigrant’s unsuccessful attempt to retain his dignity and not submit to the unregulated control of border inspections).

⁶⁴*See generally* Hector Tobar, *Sting Puts Town in Eye of Drug Storm; Critics Say Texas Cocaine Busts Were Racially Motivated*, MILWAUKEE JOURNAL SENTINEL, Oct. 8, 2000, at 4A; Associated Press, *Texas Governor Signs Release of 14 Convicted in Drug Raid*, L.A. TIMES, June 3, 2003, at A23.

on entering the trailer, rousing everyone from bed. The family members were all in their sleep clothes, but the officers refused to allow them to dress. None of the officers indicated that they had warrants authorizing them to enter the dwelling. Two of the children were United States citizens, and except for the brother-in-law, all the rest were legal aliens; the brother-in-law had entered the country legally but his visa had expired and was in the process of getting it renewed. When the officers discovered that the brother-in-law did not have proper papers, they called the Chandler Police Department back up vehicle and took him away in a patrol car. B attempted to give his brother-in-law street clothes when the officers were taking him away, but the officers would not allow this and took him away in his sleep clothes. He was later readmitted to the United States with the renewed visa he had been awaiting. The others were detained in the trailer for approximately ninety minutes; they were not searched but they were questioned even after they showed the papers demonstrating that they were legally in the United States. The police told B that they had spoken with the park manager and that he had given them permission to search the trailers, had given them a map, and had marked on the map where Hispanic residents lived. The four children involved in this incident are still fearful when someone knocks at the door of the trailer, and continue to be nervous when they see police officers on the street.⁶⁵

Entering their home without a warrant reinforced the lack of protection their legal status actually provides against police and INS abuse and the disregard for their civil rights. Witness accounts on raids conducted in trailer parks, apartment buildings and specific housing units depict similar police tactics of intimidation and force described by “B.” The level of fear and terror was increased by conducting most of the home raids after 10:00 p.m. Timing the raids when family members were most likely to be in bed also made them more vulnerable to humiliation of not being fully clothed. “B’s” unsuccessful effort to provide his brother-in-law with clothes intensified the degradation of being roused from his bed in front of his family and neighbors and being arrested. In sustaining the search and questioning for 90 minutes, the Chandler police and Border Patrol officers conveyed their physical force over all family members regardless of citizenship status. The intense questioning subjected the family to be differentiated from each other on the basis of their immigration status. Racial profiling was clearly used by asking the park manager to identify the homes of Latinos rather than identifying individuals engaged in criminal activity.⁶⁶ Individuals were suspected to be guilty of entering the U.S. illegally on the basis of their “Mexicanness.” The trauma experienced by the children conveys a clear message that “Mexicanness” is sufficient evidence to be treated as a criminal and as an “illegal alien.”

⁶⁵Office of the Attorney General Grant Wood, *Results of Chandler Survey*, *supra* note 2, at 19-20.

⁶⁶*See* Benitez, *supra* note 4, at 158 (describing an internal investigation of an immigration raid 1991 in Los Angeles also involving Border Patrol officials improperly entering housing units).

Three of the twelve testimonies given at the August 14, 1997, Chandler City Council Meeting are highlighted in the Attorney General's report and offer perspectives from the standpoint of a Mexican-American woman born in the U.S., a Mexican legal resident living in Chandler for 45 years, and a white male U.S. citizen. These testimonies underscore how immigration raids function to deter political participation. They served to racially identify urban space. Stopping only "Mexican-looking" individuals in predominately Latino neighborhoods, reinforced racial, class and immigration distinctions, as well as stereotypes of deserving and undeserving immigrants. Testimonies describe how Latino neighbors, friends and family members were divided on the basis of citizenship status.

Catalina Veloz, born in the U.S. and raised in Arizona, is a law-abiding citizen. Her subjection to two immigration stops in one day was symptomatic of the policing of immigration in low-income urban areas identified as a Mexican community with Latino owned businesses. While driving in this section of Chandler, she was pulled over by a Chandler police officer and asked in Spanish for her "*papeles*." In response to the officer's question asked in Spanish, she responded in Spanish. She had no idea what he was talking about and responded, "what papers?" She said, "I don't have any immigration papers. I was born in Phoenix."⁶⁷ The officer called out to his companion, a U.S. Border Patrol officer standing and watching silently from a distance, "This one's a go!" Realizing that the police had assumed she was not a citizen, she immediately switched to accent-free English and asked the officer why she had been stopped. Hearing the English, the officer reassessed his conclusion and, after a few more minutes, let her drive away. She encountered another policemen while listening to Mexican music as she pulled into a parking lot. Again, she was requested to show proof of citizenship. She described the pain and humiliation at the realization that she was stopped solely on the basis of the "color of her skin." Her five-year-old son, who witnessed these encounters, now exhibits fear towards the Chandler Police and worries that they want to take his mother away. Several of her neighbors who are legal residents fear leaving their homes to grocery shop or fill prescriptions and have called upon her to do their errands. She asked the City Council members, "What's next? Are they going to expect us to carry our birth certificates or papers around with us or tattoo numbers on our arms?"⁶⁸

James Peña, a legal resident married to a U.S. citizen and who resided in Chandler for the last 45 years, testified that he felt betrayed by city officials and was angry that such a raid was conducted in his neighborhood. He recounted an episode during the joint operation when several bicycle patrol officers circled him as he walked out of the supermarket to his parked car. Although the officers did not stop or question him as they circled in escort to his car, their tactics were intimidating and humiliating. Peña characterized officers as acting as if they had the right to violate the civil rights of low-income Mexican Americans and immigrants. He expressed deep resentment over the treatment of residents of Mexican ancestry and the police procedures employed to make them feel uncomfortable and unsafe in Chandler. Their behavior towards citizens and immigrants of Mexican ancestry exhibited the

⁶⁷Sahagun, *supra* note 45.

⁶⁸Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, *supra* note 2, at 3.

lack of training in immigration law enforcement. City Council's approval and support of the operation demonstrated their lack of concern for all citizens. He chastised City Council for not taking appropriate measures to protect people's rights in their urban renewal project. Alongside the feelings of betrayal, Peña disappointedly noted the worsening of race relations resulting from the joint operation. He reported racial divisions in his daughter's relationships with her classmates at Chandler High School and the emerging segregation activities and friendships since the joint operation. Peña argued that raids were not going to stop Mexican immigration and the movement of upper-income residents to the area needed to be resolved by teaching tolerance and respect for each other.⁶⁹

Jim Ryan, a white U.S. citizen, testified that as a non-Hispanic he felt strongly that the City Council needed to understand the joint operation did not only effect the Latino community, but had a negative impact on all members of the Chandler community. He expressed a strong objection to ethnic characteristics shaping and influencing any police operation and listed the negative consequences of creating fear and lack of cooperation between the police and all people regardless of citizenship status.⁷⁰ As a result, chances of immigrants calling upon police for assistance, reporting crime, or cooperating in criminal investigations are now highly unlikely. All residents need to feel safe to approach police officers.⁷¹

Testimonies and witness accounts of Latinos stopped during the Chandler Roundup illustrate the form of racial profiling applied in immigration law enforcement. Both racial and cultural components of "Mexicanness" are the actual practice in identifying "probable cause."

Descriptions of cultural activities that individuals were engaged in while walking, driving and shopping appear to have increased police suspicion that they had crossed the U.S.-Mexico border illegally. Bicycle patrol officers were noted to be suspicious of drivers who were listening to Mexican music.⁷² Several bilingual Mexican-American and Mexican residents responded in Spanish to officers' questions posed to them in Spanish. Once they realized that their ability to speak Spanish placed them in jeopardy as suspected undocumented immigrants, they immediately switched to English.⁷³ Speaking Spanish in public, primarily while walking into shopping malls or walking to their parked cars, placed citizens and legal residents in

⁶⁹*Id.* at 4

⁷⁰*See* Benitez, *supra* note 4, at 174-77 (discussing policy concerns for eliminating local police cooperation with INS because of increased victimization of immigrants, the lack of immigration law enforcement training, and the violation of civil rights of permanent residents and citizens).

⁷¹Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, at 3.

⁷²*Id.* at 22 (Catalina Veloz noted that she was listening to Mexican music when the second stop occurred involving a bicycle patrol officer); "U" at 22.

⁷³*Id.* (Catalina Veloz's testimony noted responding to the Spanish-speaking officer in Spanish until she heard him call to the Border Patrol officer, "This one's a go."); "U" at 22 (Police asked for their papers in Spanish); "Q" at 25 (describes several incidents during the raid, the first stop involved an officer asking for her papers in English and after looking at her immigration card, he responded in Spanish, "Esta esta chueca"; during her second stop, an officer questioned why she spoke English).

risk of being identified as “illegal”.⁷⁴ The selected area for immigration policing illustrates the extent to which urban spaces are racially marked by residents and culturally identified by the clientele Latino businesses attract. Although few employment opportunities are available in targeted low-income areas, law enforcement designed an operation that posed little inconvenience for middle and upper-class or white Chandler residents. We now turn to a discussion of immigration raids’ functioning as a means of citizenship socialization.

IV. CITIZENSHIP SOCIALIZATION AND IMMIGRATION CONTROL

While Mexican Americans born in the U.S. may not have experienced the same level of fear as immigrants did during the operation, the violation of their civil rights and the reluctance in which city officials and police acknowledge any wrong-doing, was a stunning reminder of their second-class citizenship. Long-term residents felt betrayed and recognized they lacked the privilege granted to non-Mexican residents occupying or entering the same urban space. Operation Restoration becomes part of the Latino collective memory, which includes a history of immigration programs implemented without consideration for the safety and well-being of Mexican Americans. Another episode to the racial affronts serves to heighten distrust in public officials and law enforcement, deter political participation, and increase their sense of “otherness.”

An example of the joint operation’s function as a socialization process shaping citizenship participation and identity is given in “F”’s witness account of her intense feelings of humiliation when stopped and asked for proof of citizenship. Prior to the stop, she had been speaking Spanish to her three young children as they walked out of the grocery store toward her parked car. As a “dark-complected” Mexican American with family roots in the U.S. since the Mexican-American War, “F” assumed her accent-free English was a safeguard against INS encounters in her daily activities. Refusing her driver’s license as adequate identification, “F”’s public encounter with the police officer did not end until she was able to find another form of ID. In her account, she described how the incident challenged her assumptions about the citizenship privileges she possessed and the changes she made to avoid being ascribed the mistaken identity as an undocumented Mexican in the future.

She feels that she has to watch what she wears and that she cannot look unkept. The officer made her feel stereotyped on the basis of what she was wearing. She felt that she did not belong. A number of people were going in and out of the store and one couple looked at her. F did not see anyone else stopped. The only time she has gone back to Chandler has been for the meeting at the church. She has not gone back to the store because she does not feel welcome; she feels violated. This has also affected her plans to have her children spend some time with relatives in

⁷⁴See *id.* Catalina Veloz’s testimony, at 3; Witness Account “D” at 21 (“D” and his uncle were speaking Spanish to one another while leaving a store and were approached by Chandler police and an INS/Border Patrol agent and questioned in Spanish); “F” at 22 (speaking Spanish to her children while walking in a parking lot); “M” at 24 (“M” was questioned in Spanish and responded in Spanish because of the mere fact that she was addressed in Spanish); “S” at 26 (“S” was stopped and questioned in both Spanish and English).

Mexico. She canceled their trip because she does not want to risk her children picking up an accent. . . .⁷⁵

"F" recognizes that as a "dark-complected" Mexican American, her physical appearance does not give her the privilege to run an errand in clothing she is wearing while cleaning the house, working in the yard, or simply being at home. She feels vulnerable being stereotyped as a "dirty Mexican."⁷⁶ She now avoids the heavily Mexican populated sections and Latino-owned businesses of Chandler because police are less likely to violate individuals' civil rights in predominately white areas of Phoenix and this makes her feel more secure. Unlike other Mexican Americans and immigrants, she has the class privilege that allows her a broader range of housing and shopping choices. Not wanting her children to experience the same humiliation and discrimination, she will probably raise them to be monolingual English speakers. She has already started the Americanization process of separating her children from relatives in Mexico. Although "F" can do little about her skin color, she is clearly attempting to eliminate all other "Mexicanness" she or her children possess. "F's" responses to the Chandler Roundup demonstrate that immigration stops and raids operate to demean and belittle Mexican Americans and convey messages of their vulnerability and lack of protected rights. As observed in "F's" case, raids also serve to encourage middle-class Mexican Americans and legal residents to disengage from the larger Latino community.

Interviews and complaints included children of various ages as witnesses to the joint operation—as direct targets and as observers. "Q's" account described her 7- and 10-year-old daughters, who were both questioned by the police, asked for proof of U.S. citizenship status, and threatened with deportation to Mexico. As their comments to their mother indicate, neither child understood that their "Mexicanness" was physically inscribed and law enforcement denied them the privilege of assumed U.S. citizenship that is given to white children walking home from school. Catalina Veloz's five-year-old son, as well as "B" and "F's" children, witnessed their parents and other adult family members treated as criminals by the police and endure the fear that the police will take away their parents.⁷⁷ However, in order for immigration

⁷⁵*Id.* at 22.

⁷⁶While we might argue that she has internalized the "dirty Mexican" stereotype, this characterization was noted in the Attorney General's report. A quote taken from one of the *Record of Deportable Alien* forms stated: "[subject] was dressed in clothing consistent with that of illegal entrant aliens. His clothes appeared muddy, slept in, and he had foliage in his hair, which indicated that he had been traveling and sleeping in the brush. This led agents to believe that he was a possible illegal alien that had recently the United States through the desert south of Chandler, AZ. As agents of the Tucson Sector Bicycle approached [the subject] they immediately noticed the lack of personal hygiene displayed by [the subject], and a strong body odor common to illegal aliens." Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, *supra* note 2, at 18. See also Lugo, *supra* note 10 (his analysis of border inspections supports "F's" concern as a dark-complected Mexican American and her ability to use class to lessen drawing the attention of immigration law enforcement officers). See *supra*, note 13.

⁷⁷Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, *supra* note 2, at 3, 19, 21-2. The Attorney General's report included more detailed accounts about children because immigration stops that included children or occurred at or near schools were

control to function effectively as means of social control, as well as socialization to second-class citizenship status, the inclusion of children is indispensable.

“E’s” witness account demonstrates the socialization process aimed at children and the means used to enforce second class citizenship at an early age:

E is a grandmother who immigrated from Mexico ten years ago. She is a widow of a United States citizen. In July 1997, she was walking to the pharmacy to pick up medication for her diabetes and was accompanied by her seven year old granddaughter. Half a block from Arizona Avenue, they were approached by a Chandler police officer on a bicycle who motioned for them to stop. When E stopped, the officer approached them and began questioning her in English, asking if she had papers. E asked if the officer wanted to see her papers and he said yes; he then took her papers and residency card and scrutinized the card front and back. Next he asked if the girl had papers and what her name was. The girl looked very serious and wide-eyed. E told the officer that her granddaughter had been born in Nogales, Arizona. The officer then told E that she should carry her granddaughter’s birth certificate wherever she went and that she should further get a letter from the girl’s mother verifying that E was the grandmother. He then said that she should teach her granddaughter to say, “I’m an American citizen.” The officer did not tell E why he stopped her and he took no notes. The officer asked the granddaughter if she was in school and she told him she was in the first grade. He then said good-bye and drove straight ahead as he left.⁷⁸

This is probably the first time that “E’s” granddaughter felt her grandmother’s presence as “criminal” or not rendering her safe against strangers. Unlike her white classmates, the granddaughter learns from a state official that her family members do not share the same rights and status in the U.S. This encounter serves to teach her that interaction with members of her family who are not U.S. citizenship may endanger her own status. She witnesses the officer’s demand for proof of citizenship and learns that she too must carry identification. The incident serves as a lesson about race, class, and citizenship privileges. She does not have freedom of movement without documentation and can be stopped without probable cause. She learns that the official proclamation of U.S. citizenship is “American” citizenship. The Americanization process includes acquiring the imperialist use of language that excludes Mexico and all other countries in North and South America. “E’s” account exhibits micro elements of other Americanization programs that have targeted Mexicans in the U.S.⁷⁹

a point of dispute in the investigations. The Chandler Police and INS specified that the joint operation did not target children or schools. Nevertheless, testimonies given at the City Council meeting following the raid and witness accounts given to the Attorney General’s Office did not support their claim.

⁷⁸*Id.* at 18-19.

⁷⁹See generally George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900-1945* (1993); Sarah Deutsch, *No Separate Refuge: Culture, Class and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940* (1987).

Immigration stops serving as a means of social control and socialization are evident in witness accounts of police and INS encounters with adolescents who were not accompanied by a parent or an adult. As the following account illustrates, young Latino males residing in low-income areas become socialized to avoid the police and recognize that their physical existence and presence makes them the usual suspects.⁸⁰ In the following witness account, “T” is a sixteen year old Latino male who is a legal resident.

In late July, I was stopped near Erie Street and Arizona Avenue. He and a friend had gone to buy a pizza at Little Caesar’s. While they were in Little Caesar’s, he and his friend were approached by two bicycles officers, one a Chandler Police officer and the other an immigration officer. The Chandler Police officer addressed him and the INS/Border Patrol officer spoke with his friend. Both spoke English. The police officer asked I for his social security number and asked if he was legal. He stated he could not remember the social security number and told the officer he was a legal resident. Both men were then asked to come out of the store and the police officer directed Little Caesar’s staff to return their money to them. The Chandler Police officer then radioed for a car. Outside the restaurant the police officer asked I for his wallet and I explained that he did not have his wallet with him and he was only 16. The officer said he should always have his wallet with him. He then repeatedly asked for the social security which I could not remember. He was allowed to call his mother after asking the officers twice. He was also told to get into a Chandler Police vehicle, where he waited for about 30 minutes. His mother eventually came and verified his Social Security Number. His friend was taken away in the Chandler police vehicle and was deported.⁸¹

Both “T” and his friend were stopped while engaged in non-criminal activity but were targeted on the basis of their physical “Mexicanness.” By following the youth into the restaurant and ending a legitimate commercial transaction, the public nature of the immigration stop was enhanced. Calling the Little Caesar’s staff and customers’ attention to the police questioning of “T” and his friend reinforced the stereotype of Latino male youth criminality.⁸² Holding “T” and his friend for questioning in the police vehicle allowed additional public attention to observe law enforcement controlling Latino criminality and immigration. By conducting the immigration stop without “probable cause,” the physical force and power of the state is enacted and serves as a lesson that “T” cannot assume the rights given to other non-

⁸⁰See generally Romero, *supra* note 11.

⁸¹Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, *supra* note 2, at 20-1.

⁸²Ted Chiricos & Sarach Escholz, *The Racial and Ethnic Typification of Crime and the Criminal Typification of Race and Ethnicity in Local Television News* 39 J. OF RESEARCH IN CRIME AND DELINQUENCY 400 (2002) (reporting findings of appearance of criminal suspects in three television stations to be particularly amplified for Hispanics and associated with the fear of crime).

Mexican legal residents. His several requests to call his mother is a reminder of the latitude granted to decision-making officers for use in everyday policing in low-income minority communities.

V. CONCLUSION

Police stops predicated on individuals' "Mexicanness" is consistent with the Police Department's claim that the Chandler Roundup was their contribution to Restoration because the five-day raid reclaimed the area as only safe for whites to drive, walk, and shop. The stops demonstrate that citizenship and citizenship rights are tied to race, culture and urban space. Narratives trace both racial and cultural symbols present in circumstances leading to immigration stops when "probable cause" was absent. Police and Border Patrol officers' actions transformed grandmothers into criminals in front of granddaughters and neighbors. The public performance of immigration stops in parking lots, store entrances, pizza parlors, and gas stations demonstrated that the problem of illegal aliens was being cleaned up. In addition, police action observed by whites as they shopped, walked to their cars and drove down the street confirmed the racial and culturally biased beliefs that permeate the criminal justice system. Racialized immigration sweeps or raids occurring in public view function to increase the social distance between the middle class and whites and the alleged criminals, suspects and illegals. Intimidation and harassment used by the Chandler police served to relocate low-income Latino population away from the downtown area and to send a clear message that they do not belong and are not part of the community. The Chandler case further demonstrates that the presence of undocumented Mexican immigrants can be ignored and even become invisible when they are in middle and upper-middle neighborhoods carrying leaf blowers on their backs, pushing lawn mowers, scrubbing dirty dishes in upscale restaurants, or arriving to upper-class residents with brooms and mops in hand.

Without the action of community activists, the Chandler Roundup would have gone unnoticed as the three earlier operations that summer and would have been buried alongside the unrecorded history of raiding Mexican-American communities. In responding to the criticism of the five-day immigration raid, city officials framed their defense of the raid as a response to the invasion of unwanted immigrants and the increase of crime.⁸³ The police chief responded to the community protest in the following way, "Is it a violation to ask a person if they're a U.S. citizen? I don't think so."⁸⁴ A city council spokesman issued a statement claiming the police "acted

⁸³Matt Kelly, *Hispanics Say Police Harassed Them During Immigration Sweep*, ASSOCIATED PRESS, Aug. 18, 1997. "In recent years, downtown merchants and residents have complained that illegal immigrants have loitered outside their businesses, drunk liquor in public, climbed onto their property to use outdoor washing machines and sexually harassed children. Local authorities also blame illegal immigrants for six murders in the past 15 years." See Fletcher, *supra* note 31. However, recent social science research disputes the strong correlation between undocumented immigrants and increased crime. See generally RAMIRO MARTINEZ, *LATINO HOMICIDE: IMMIGRATION, VIOLENCE AND COMMUNITY* (2002).

⁸⁴Office of the Attorney General Grant Wood, *Results of the Chandler Survey*, *supra* note 2, at 2 (Quoting from ARIZ. REPUBLIC, Aug. 9, 1997).

correctly in enforcing the law”⁸⁵ and claimed that “no people were detained or stopped by police without cause,” which includes minor traffic or other violations.”⁸⁶ In defense of the roundup, Border Patrol spokesman Rob Daniels stated that “agents don’t have to resort to violating civil rights” to find illegal immigrants. He added that “I have found in my dealings with Hispanic activists is that they’re no different than any other extremist group. . . . They’re going to exaggerate to make their point.”⁸⁷ This reference to activists as extremists places Latino political participation outside the realm of citizenship. Yet, when low-income Latino interests are not represented on the City Council or have a voice in urban development plans, their civil rights are likely to be sacrificed. Blocked out of the political process, citizenship must be performed through marches, community meetings and lawsuits. However, the fear and intimidation instilled in the community goes a long way in deterring ongoing political participation. Unlike white U.S. citizens, Latino citizenship appears to be constructed around sacrifice and contribution rather than rights and privileges.⁸⁸ Immigration policy and related law enforcement practices that result in the costly enterprise of selected stops and searches, race-related police abuse, and harassment deteriorates the quality of U.S. citizenship for low-income Mexican Americans and other communities of color.

⁸⁵Associated Press, *Hispanics File \$35 Million Suit Against Town*, ARIZ. DAILY STAR, Aug. 19, 1997, 2B.

⁸⁶Fletcher, *supra* note 31, at A14.

⁸⁷Associated Press, *Border Patrol Sweep in Chandler to be Investigated*, ARIZ. DAILY STAR, Aug. 10, 1997, at 3B.

⁸⁸This certainly has been reinforced by the decision to allow immigrants who entered the armed forces after September 11, 2001, to immediately apply for citizenship, reducing the waiting period from three to two years and to provide benefits for non-citizen spouses of non-citizen soldiers killed in action. The price of working-class Latino citizens was joining the service in hopes of future educational opportunities. Given the bleak options manifested in the scarcity of good union jobs, the increases in college tuition, and the cut back in federal and state educational funds, it is not surprising to find the large numbers of Latinos and Blacks filling the lowest ranks of the military in the lowest-tech occupations. See James F. Smith and Edwin Chen, *Bush to Weigh Residency for Illegal Mexican Immigrants*, L.A. TIMES, Sept. 7, 2001, at A1.